

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

RONDA McGOWAN, personal representative for the
Estate of Brian Babb, LEE BABB, CONNOR BABB, by
and through his Guardian ad Litem, STEPHANIE
WOODCOOK, and KAYLEE BABB,

Plaintiff,

v.

Case No. : 6:17-CV-00424-MC

WILL STUTESMAN, OFFICER GROSE,
OFFICER PIESKE, Sgt. McALPINE, CITY OF
EUGENE, a municipal subdivision of the State of
Oregon, JANE DOE CALL TAKER, John and Jane
Does 1-10,

CLERK'S LIST OF WITNESSES
AND EXHIBITS

Defendants.

Judge: Michael J. McShane

Counsel for Plaintiff: Amanda S. Yarusso, Carlton Odum, Andrew Stroth and Timothy Volpert

Counsel for Defendant: Robert Franz, Benjamin Miller and Sarah Henderson

Courtroom Deputy: C. Pew

Court Reporter: Deborah Cook

Dates of Trial: 2/18, 2/19, 2/20

EXH #	Plf	Dft	Ct. Act	EXHIBIT DESCRIPTION	WITNESS	BY
Plaintiff's Exhibits						
001	X X X X X X		A	Google map picture 2248 Devos COE 41	McAlpine Grose Kidd Stutesman Clark Warden	

002			A	Google map picture 2248 Devos COE 1044		
003			A	Incident Scene Photo COE 808		
004			A	Incident Scene Photo COE 809		
005			A	Incident Scene Photo COE 824		
006			A	Incident Scene Photo COE 873		
007	X X		A	Incident Scene Photo COE 875	McAlpine Grose	
008			A	Incident Scene Photo COE 877		
009	X		A	Incident Scene Photo COE 878	Kidd	
010			A	Incident Scene Photo COE 880		
011			A	Incident Scene Photo COE 881		
012			A	Incident Scene Photo COE 882		
013			A	Incident Scene Photo COE 883		
014			A	Incident Scene Photo COE 884		
015			A	Incident Scene Photo COE 885		
016			A	Incident Scene Photo COE 889		
017			A	Incident Scene Photo COE 890		
018			A	Incident Scene Photo COE 895		
019			A	Incident Scene Photo COE 932		
020			A	Incident Scene Photo COE 1022		
021	X X X		A	Incident Scene Photo COE 1025	McAlpine Grose Pieske	
022			A	Incident Scene Photo DSC_0032		
023			A	Incident Scene Photo DSC_0036		
024			A	Incident Scene Photo DSC_0037		
025			A	Incident Scene Photo DSC_0038		
026	X X		A	Incident Scene Photo DSC_0049	Clark Warden	
027			A	Incident Scene Photo DSC_0050		

028			A	Incident Scene Photo IMGP0076		
029			A	Incident Scene Photo IMGP0079		
030			N/A	Incident Scene Photo IMGP0081		
031			A	Incident Scene Photo IMGP0082		
032			N/A	Incident Scene Photo IMGP0084		
033			A	Incident Scene Photo IMGP0089		
034			A	Incident Scene Photo IMGP0094		
035	X		A	Photo Brian Kaylee Artwork 2016	K. Babb	
036			A	Photo Brian on Boat 2014		
037	X		A	Photo Brian with Connor Coast 2010	Connor Babb	
038	X		A	Photo Brian with Kaylee Coast 2010	Kaylee Babb	
039			A	Statement "rifle in right hand" EPD Event Rep COE 193		
040			N/A	Statement "rifle in right hand" OSP Reports COE 593		
041			A/R	Statement dropped gun IDFIT Report COE 461		
042			HELD	Statement rifle in right hand IDFIT Stutesman interview COE 46		
043			A	Bearcat video		
044			A	Audio Dispatch Recording		
045				Not used		
046	X			Painting of Babb and kids	K. Babb	
Defendant's Exhibits						
201		X	A	Training Records of Will Stutesman.	Stutesman	
202		X	A	Firearm Training Records of Will Stutesman.	Stutesman	
203			A	Radio Dispatch between Dispatch and Officers.		
204			A	Aerial of Scene.		
205a		X	A	Street view of Scene.	McAlpine	

205b			A	Street view of Scene Zoomed.		
205c			A	Aerial of Scene showing Officer Location.		
206		X X	A	BearCat Video.	Antonini DeWitt	
207		X	A	Photos of Officer Stutesman as Dressed that Night.	Stutesman	
208	X	X X	A	ICV video Officer DeWitt.	Carner DeWitt	
209			Held	Audio Recording of Stephanie Woodcook.		
210			A	Restraining Order November 20, 2006.	Woodcook	
211			A	Restraining Order February 26, 2007.	Woodcook	
212			A	Photo of BearCat.		
213			A	Photo of BearCat.		
214		X	A	DeWitt Photos.	DeWitt	
215	X X	X	A	Scene Photos by Sprague.	Sprague McGowan	
216		X X	A	ICV video Officer Clark.	Clark Warden	
217			N/A	Item returned to Ronda McGowan.		
218		X	A	Babb Phone Records.	Lee Babb	
219			A	Discharge Summary Roseburg.		
220		X	A	Screen Results.	Davis	
221		X X X X X	A	Overlay Video with Sound.	McAlpine Grose Pieske Vinje Stutesman	
222			N/A	Plenty of Fish.		
223			A	Gun Inspection Photos.		
224		X	A	Higgins Exhibits.	Higgins	
225			A	Dr. Dan Davis Exhibits.		
226			A/R	Investigation by Officer Eric Hubbard.		
227			A	Location of Clark and Warden.		

228			N/A	Stutesman Oath.		
229			Held	Audio Recording of Jim Antonini.		
230			Held	Transcript of Jim Antonini Interview.		
231			A	Large Format Aerial Photo.		
				Firearm - Demonstrative		
A - Admitted; A/R - Admitted as Ordered Redacted; N/A - Not Admitted; W/D - Withdrawn						
Witnesses -2/18/2020						
	X			Lee Babb – Direct – Cross -		
	X			Becky Higgins – Direct -		
Witnesses -2/19/2020						
	X			Becky Higgins – Cross – Redirect – Recross		
	X			Malcolm McAlpine – Direct – Cross – Redirected – Recross		
	X			Matthew Grose – Direct – Cross - Redirect		
	X			Nathan Pieske – Direct – Cross		
	X			Scott Vinje – Direct - Cross		
	X			Joseph Kidd – Direct – Cross		
	X			Will Stutesman – Direct - Cross		
Witnesses -2/20/2020						
	X			Will Stutesman – Redirect -		
	X			David Clark – Direct – Cross - Redirect		
	X			Judson Warden – Direct – Cross - Redirect		
	X			Dustin Sprague – Direct – Cross - Redirect		
	X			Ronda McGowan – Direct – Cross – Redirect		
	X			Stephanie Woodcook – Direct – Cross - Redirect		
	X			Connor Babb – Direct - Cross		
	X			Kaylee Babb – Direct - Cross		
Witnesses – 2/24/2020						
		X		Daniel Wade Davis – Direct – Cross - Redirect		
		X		Doug Carner – Direct – Cross		
		X		James Antonini – Direct – Cross		
		X		Derrick DeWitt – Direct – Cross		
		X		Statement of Officer Hubbard		
	X			Jeremy James Bauer (Rebuttal Witness) – Direct -		